IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 20016 of 1998

Between:

1 S.Narasimha Reddy S/o S.Parvatha Reddy Rep.by its
Managing Parnter, Swapna Construction 3-3-50;1st Floor,
Flat No.2,Amrita Archade, Kachiguda X Road, Hyderabad.
2 P.S.Benarji S/o Raghunatha Rao
Road No.72,Jubille Hills, Hyderabad.

... PETITIONERS

AND

1 The Government of A.P., Rep.By its Secretary R&B Depot,
Secretariat, Hyderabad.
2 The Chief Engineer,A.P.Medical, Health Housing and
Infrastructure Development Corporation,
5th Floor, Pioneer House, Somajiguda,Hyderabad.
3 The superintending Engineer, A.P.Medical, Health Housing and
Infrastructure Development Corporation, Kurnool.
4 Superintending Engineer(R&B), Eluru.
5 Executive Engineer(R&B), Machilipatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an Appropriate Writ, order or direction more Particularly one in the Nature of Writ of Mandamus declaring G.O.Ms.No.6-T, R&B (B-II) Dept., Dt.12-1-96 as illegal, arbitrary, unreasonable void and consequently direct the Respondents follow the procedure of collecting seigniorage fee from my bills at the time of payment of bills payable to me in accordance with G.O.Ms.No.205,Transport Roads, & Buildings,(B-III) Dept.DT.8-10-93.

Counsel for the Petitioner: MR.KRISHNA MOHAN SIKHARAM

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing on behalf of the respondents.

2. It is submitted by the learned Government pleader and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P. No.7456 of 1998 and batch, dated 07-10-1998.

3. In the circumstances, following the common order of this Court in W.P. No.7456 of 1998 and batch, dated 07-10-1998, this writ petition is dismissed for the same and similar reasons. No costs.

4. However, it is made clear that the conditions stipulated in G.O. Ms. No.6, dated 12-01-1996 are applicable only in respect of the contracts for which the agreements are executed on or after 12-01-1996, and the works covered prior to that date shall be processed under G.O. Ms. No.205, dated 08-10-1993. If the petitioner had already drawn his bills pending payment of seigniorage fee, he shall now pay the same within a period of eight weeks from today, if not already paid. If the petitioner failed to comply with the condition, he shall also pay the penalty of five times, if the agreements are concluded and civil works carried out beyond 12-01-1996, within a period of six weeks from today.

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N.V. RAMANA, J

March 14, 2005

MRR

Copy to:

1 The Secretary, Roads and Buildings Department, Government of A.P., Secretariat, Hyderabad.

2 The Chief Engineer, A.P.Medical, Health, Housing and Infrastructure Development Corporation,
5th Floor, Pioneer House, Somajiguda,Hyderabad.

3 The superintending Engineer, A.P.Medical, Health Housing and Infrastructure Development Corporation, Kurnool.

4 The Superintending Engineer(R&B), Eluru.

5 The Executive Engineer(R&B), Machilipatnam.

6. 2 CCs to G.P. for Roads and Buildings, High court Buildings, Hyderabad (OUT)

7. 2 CD copies

*Form-NIC-OGS/WP{**RAGHU**}*

Enclosed along with the covered judgment dated 07-10-1998 made in W.P.No.7456 of 1998